

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE MISSION BOULEVARD JOINT REDEVELOPMENT PROJECT.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors of the County of San Bernardino finds that:

(a) The Board of Supervisors of the County of San Bernardino ("the Board") has received from the City of Montclair Redevelopment Agency (the "City Agency") and the Redevelopment Agency of the County of San Bernardino ("the County Agency") (the City Agency and the County Agency are collectively referred to herein as the "Agencies") the proposed Redevelopment Plan (the "Redevelopment Plan") for the Mission Boulevard Joint Redevelopment Project (the "Redevelopment Project"), a copy of which is on file at the office of the Clerk of the Board of Supervisors, together with the Report to Participating Jurisdictions by the Agencies (the "Agencies' Report"), including the reasons for the Redevelopment Plan, a description of the physical and economic conditions existing in the territory proposed to be included in the Redevelopment Project (the "Project Area"), the proposed method of financing the redevelopment of the Project Area, a plan for the relocation of families and persons who may be temporarily or permanently displaced from housing facilities in the Project Area, an analysis of the Preliminary Redevelopment Plan, the reports and recommendations of the Planning Commissions of the City of Montclair (the "City") and the County of San Bernardino (the "County"), reports as to the conformity of the Redevelopment Plan with the General Plans of the City and County, an implementation plan, a neighborhood impact report, a summary of consultations with Project Area owners, businesses and community organizations, an environmental impact report on the Redevelopment Plan, the report of

1 the County fiscal officer and the Agencies' analysis thereof, and a summary of
2 consultations with taxing agencies; and

3 (b) The Planning Commission of the County has submitted to the Board its
4 report and recommendations concerning the Redevelopment Plan and its certification
5 that the Redevelopment Plan conforms to the General Plan for the County on May 8,
6 2003.

7 (c) The Board and the County Agency held a joint public hearing on June 10,
8 2003, on the adoption of the Redevelopment Plan in the Board of Supervisors
9 Chambers, County Government Center, San Bernardino.

10 (d) Notice of said joint public hearing was duly and regularly published in a
11 newspaper of general circulation in the County, once a week for four successive weeks
12 prior to the date of such joint public hearing, and a copy of said notices and affidavits of
13 publication are on file with the Clerk of the Board of Supervisors and the County Agency.

14 (e) Copies of the notice of joint public hearing were mailed by first class mail to
15 the last known address of each assessee as shown on the last equalized assessment roll
16 of the County for each parcel of land in the Project Area, and to each resident and
17 business within the Project Area, not less than thirty days prior to the date of such joint
18 public hearing.

19 (f) Each assessee in the Project Area whose property would be subject to
20 acquisition by purchase or condemnation under the provisions of the Redevelopment
21 Plan was sent a letter to such effect attached to the notice of the joint public hearing,
22 including a map and legal description of the Project Area.

23 (g) Copies of the notice of joint public hearing were mailed by certified mail with
24 return receipt requested to the governing body of each taxing agency, which receives
25 taxes from property in the Project Area.

26 (h) The City Council and the City Agency have independently held a joint public
27 hearing on June 2, 2003, on the adoption of the Redevelopment Plan.

28 (i) The City Agency, as the lead agency pursuant to the California

1 Environmental Quality Act with respect to the adoption of the Redevelopment Plan, has
2 certified the adequacy of the Final EIR submitted pursuant to Public Resources Code
3 Section 21151 and Health and Safety Code Section 33352.

4 (j) The County Planning Commission has approved the Final EIR as a
5 responsible agency pursuant to the California Environmental Quality Act.

6 (k) The Board has considered the report and recommendation of the County
7 Planning Commission, the Agencies' Report, the Redevelopment Plan and its economic
8 feasibility, and the Final EIR, has provided an opportunity for all persons to be heard, and
9 has received and considered all evidence and testimony presented for or against any
10 and all aspects of the Redevelopment Plan and has made written findings in response to
11 each written objection of an affected property owner and taxing entity filed with the County
12 Clerk before the hour set for such joint public hearing.

13 SECTION 2. The purposes and intent of the Board with respect to the Project
14 Area as it relates to the Redevelopment Plan are to accomplish the following:

15 (a) To eliminate and prevent the spread of blight and deterioration, and the
16 conservation, rehabilitation and redevelopment of the Project Area.

17 (b) To encourage the cooperation and participation of residents,
18 businesspersons, public agencies, and community organizations in the revitalization of
19 the Project Area.

20 (c) To encourage private sector investment in the development and
21 redevelopment of the Project Area by providing financial assistance.

22 (d) To promote the economic well-being of the Project Area by encouraging the
23 diversification and development of the economic base and to assist development of both
24 short and long term employment opportunities in the Project Area, the City, and the
25 County.

26 (e) To develop and improve housing stock, especially for low and moderate-
27 income persons, and increase homeownership.

28 (f) To develop and improve affordable housing opportunities.

1 (g) To provide adequate roadways, traffic and circulation improvements to
2 correct street deficiencies, alignment problems, and road hazards.

3 (h) To stimulate private sector investment for the development of the Project
4 Area.

5 (i) To expand the resource of developable land by making underutilized land
6 available for development.

7 (j) To upgrade the existing commercial and industrial uses in the Project Area.

8 (k) To enable assembling and disposition of land into parcels suitable for
9 modern integrated development with improved development standards, and pedestrian
10 and vehicular circulation in the area.

11 SECTION 3. The Board hereby finds and determines, based on the evidence in
12 the record, including, but not limited to, the Agencies' Report on the proposed
13 Redevelopment Plan, and all documents referenced therein, and evidence and testimony
14 received at the joint public hearing on the adoption of the Redevelopment Plan held on
15 June 10, 2003, that:

16 (a) The Project Area is a blighted area, the redevelopment of which is necessary
17 to effectuate the public purposes declared in the California Community Redevelopment
18 Law (Health and Safety Code section 33000, et seq.).

19 (1) This finding is based on the following physical conditions of blight
20 which characterize the Project Area:

21 (A) The existence of buildings in which it is unsafe or unhealthy
22 for persons to live or work, including buildings with serious building code violations,
23 dilapidation and deterioration, defective design or physical construction, faulty or
24 inadequate utilities, and other similar factors such as age and obsolescence.

25 (B) The existence of factors that prevent or substantially hinder
26 the economically viable use or capacity of buildings or lots, such as substandard design,
27 inadequately sized sites given present standards and market conditions, lack of parking,
28 and other similar factors such as infrastructure deficiencies.

1 (C) Adjacent or nearby incompatible uses that prevent economic
2 development of those parcels or other portions of the Project Area.

3 (D) The existence of subdivided lots of irregular form and shape
4 and inadequate size for proper usefulness and development that are in multiple
5 ownership.

6 (2) This finding is based further on the following economic conditions of
7 blight which characterize the Project Area:

8 (A) Depreciated or stagnant values or impaired investments,
9 including depreciated or stagnant values and impaired investments caused by the
10 presence of hazardous wastes and declining sales.

11 (B) Abnormally high business vacancies, abnormally low lease
12 rates, high turnover rates, abandoned buildings and excessive vacant lots.

13 (C) A lack of necessary commercial facilities that are normally
14 found in neighborhoods, including grocery stores, drug stores, and banks and other
15 lending institutions.

16 (D) Residential overcrowding or an excess of bars, liquor stores,
17 or other businesses that cater exclusively to adults that has led to problems of public
18 safety and welfare.

19 (E) A high crime rate that constitutes a serious threat to the
20 public safety and welfare.

21 (3) This finding is based further on inadequate public improvements
22 and facilities, in addition to the above physical and economic conditions of blight:

23 (A) Such conditions are so prevalent and so substantial that they
24 are now causing and will increasingly cause a reduction and lack of proper utilization of
25 the area to such an extent that it constitutes a serious physical and economic burden on
26 the City and County which cannot reasonably be expected to be reversed or alleviated
27 by private enterprise or governmental action, or both, without redevelopment. This
28 finding is based on the fact that governmental action available to the City and County

1 without redevelopment would be insufficient to cause any significant correction of the
2 blighting conditions, and that the nature and costs of the public improvements and
3 facilities and other actions required to correct the blighting conditions are beyond the
4 capacity of the City and County and cannot be undertaken or borne by private enterprise
5 acting alone or in concert with available governmental action.

6 (B) The Project Area is a predominantly urbanized area. This
7 finding is based upon the Agencies' Report, which demonstrates that not less than
8 eighty percent (80%) of the land in the Project Area has been or is developed for urban
9 uses.

10 (C) The Redevelopment Plan will redevelop the Project Area in
11 conformity with the Community Redevelopment Law and in the interests of the public
12 peace, health, safety and welfare. This finding is based upon the fact that the purposes
13 of the Community Redevelopment Law would be attained by the Redevelopment Project
14 by the elimination of areas suffering from economic dislocation or disuse; by the
15 replanning, redesign and/or redevelopment of areas which are stagnant or improperly
16 utilized, and which could not be accomplished by private enterprise acting alone without
17 public participation and assistance; by protecting and promoting sound development
18 and redevelopment of blighted areas and the general welfare of the citizens of the City
19 and County by remedying such injurious conditions through appropriate means; and
20 through the installation of new or replacement of existing public improvements, facilities
21 and utilities in areas which are currently inadequately served with regard to such
22 improvements, facilities and utilities.

23 (D) The adoption and carrying out of the Redevelopment Plan is
24 economically sound and feasible. This finding is based on the fact that under the
25 Redevelopment Plan, the Agencies will be authorized to seek and utilize a variety of
26 potential financing resources, including property tax increment; that the nature and timing
27 of public redevelopment assistance will depend on the amount and availability of such
28 financing resources, including tax increment, generated by new investment in the Project

1 Area; that under the Redevelopment Plan no public redevelopment activity in the Project
2 Area can be undertaken unless the Agencies can demonstrate that they have adequate
3 revenue to finance the activity; and that the financing plan included within the Agencies'
4 Report demonstrates that sufficient financial resources will be available to carry out the
5 Redevelopment Project.

6 (E) The Redevelopment Plan conforms to the General Plan of the
7 County, including, but not limited to, the housing element of the General Plan. This finding
8 is based on the finding of the County Planning Commission that the Redevelopment Plan
9 conforms to the General Plan for the County.

10 (F) The carrying out of the Redevelopment Plan will promote the
11 public peace, health, safety and welfare of the County and will effectuate the purposes
12 and policies of the Community Redevelopment Law. This finding is based on the fact
13 that redevelopment will benefit the Project Area by correcting conditions of blight and by
14 coordinating public and private actions to stimulate development and improve the
15 economic and physical conditions of the Project Area, and by increasing employment
16 opportunities within the County.

17 (G) The condemnation of real property, as provided for in the
18 Redevelopment Plan, is necessary to the execution of the Redevelopment Plan, and
19 adequate provisions have been made for the payment for property to be acquired as
20 provided by law. This finding is based upon the need to ensure that the provisions of the
21 Redevelopment Plan will be carried out to prevent the recurrence of blight, and the fact
22 that no property will be acquired until adequate funds are available to pay full
23 compensation therefore.

24 (H) The Agencies have a feasible method and plan for the
25 relocation of families and persons who might be displaced, temporarily or permanently
26 from housing facilities in the Project Area. The Agencies also have a feasible method
27 and plan for relocation of businesses. This finding is based upon the fact that the
28 Agencies have adopted a plan for relocation of families, persons and businesses by the

1 Agencies' projects, and upon the fact that the Redevelopment Plan provides for
2 relocation assistance according to law, and the fact that such assistance, including
3 relocation payments, constitutes a feasible method for relocation.

4 (I) There are, or are being provided, within the Project Area or
5 within other areas not generally less desirable with regard to public utilities and public
6 and commercial facilities and at rents or prices within the financial means of the families
7 and persons who might be displaced from the Project Area, decent, safe and sanitary
8 dwellings equal in number to the number of and available to such displaced families and
9 persons and reasonably accessible to their places of employment. This finding is based
10 upon the provisions of the Redevelopment Plan which require that families and persons
11 shall not be displaced prior to the adoption of a relocation plan pursuant to Sections
12 33411 and 33411.1 of the Health and Safety Code, and that dwelling units housing
13 persons and families of low or moderate-income shall not be removed or destroyed prior
14 to the adoption of a replacement housing plan pursuant to Sections 33334.5, 33413 and
15 33413.5 of the Health and Safety Code.

16 (J) All noncontiguous areas of the Project Area are either
17 blighted or necessary for effective redevelopment and are not included for the purpose of
18 obtaining the allocation of taxes from the area pursuant to Section 33670 of the Health
19 and Safety Code without other substantial justification for their inclusion.

20 (K) Inclusion of any lands, buildings, or improvements which are
21 not detrimental to the public health, safety or welfare is necessary for the effective
22 redevelopment of the entire area of which they are a part, and any such area is not
23 included solely for the purpose of obtaining the allocation of tax increment revenues from
24 such area pursuant to Section 33670 of the Community Redevelopment Law without
25 other substantial justification for its inclusion. This finding is based upon the fact that all
26 properties within Project Area boundaries were included because they were underutilized
27 because of blighting influences, or were affected by the existence of blighting influences,
28 or were necessary either to accomplish the objectives and benefits of the

1 Redevelopment Plan or because of the need to impose uniform requirements on the
2 Project Area as a whole. Such properties will share in the benefits of the Redevelopment
3 Plan.

4 (L) The elimination of blight and the redevelopment of the Project
5 Area could not reasonably be expected to be accomplished by private enterprise acting
6 alone, or by governmental action, or both, without the aid and assistance of the Agencies.

7 This finding is based upon the existence of blighting influences, including the lack of
8 adequate public improvements and facilities, and the inability of individual owners and
9 developers to economically remove these blighting influences without substantial public
10 assistance.

11 SECTION 4. The Board is satisfied that permanent housing facilities will be
12 available within three years from the time residential occupants of the Project Area, if any,
13 are displaced, and that pending the development of such facilities, there will be available
14 to any such displaced residential occupants temporary housing facilities at rents
15 comparable to those in the City and County at the time of their displacement. This finding
16 is based upon the Board's finding that no persons or families of low and moderate
17 income shall be displaced from residences unless and until there is a suitable housing
18 unit available and ready for occupancy by such displaced persons or families at rents
19 comparable to those at the time of their displacement. Such housing units shall be
20 suitable to the needs of such displaced persons or families and must be decent, safe,
21 sanitary and otherwise standard dwellings.

22 SECTION 5. Written objections to the Redevelopment Plan filed with the Clerk
23 of the Board of Supervisors before the hour set for the joint public hearing and all written
24 and oral objections presented to the Board at the hearing having been considered and, in
25 the case of written objections received from Project Area property owners and affected
26 taxing agencies, having been responded to in writing, are hereby overruled.

27 SECTION 6. The Final EIR for the Redevelopment Plan, a copy of which is on
28 file in the office of the County Agency and in the office of the Clerk of the Board of

1 Supervisors having been duly reviewed and considered, is hereby incorporated into this
2 Ordinance by reference and made a part hereof. All activities undertaken by the
3 Agencies pursuant to or in implementation of the Redevelopment Plan shall be
4 undertaken in accordance with the mitigation measures and monitoring program set forth
5 in the Final EIR, and the Agencies shall undertake such additional environmental review
6 or assessment as necessary at the time of the proposed implementation of such
7 activities.

8 SECTION 7. That certain "Mission Boulevard Joint Redevelopment Project
9 Redevelopment Plan," the map contained therein, and such other reports as are
10 incorporated therein by reference, a copy of which is on file in the office of the County
11 Agency and the office of the Clerk of the Board of Supervisors, having been duly
12 reviewed and considered, is hereby incorporated into this Ordinance by reference and
13 made a part hereof, and as so incorporated and as on file with the Clerk of the Board is
14 hereby designated, approved, and adopted as the official redevelopment plan for the
15 Redevelopment Project.

16 SECTION 8. In order to implement and facilitate the effectuation of the
17 Redevelopment Plan hereby approved, the Board hereby: (a) pledges its cooperation in
18 helping to carry out the Redevelopment Plan, (b) requests the various officials,
19 departments, boards, and agencies of the County having administrative responsibilities
20 in the Project Area likewise to cooperate to such end and to exercise their respective
21 functions and powers in a manner consistent with redevelopment of the Project Area, (c)
22 stands ready to consider and take appropriate action upon proposals and measures
23 designed to effectuate the Redevelopment Plan, and (d) declares its intention to
24 undertake and complete any proceeding, including the expenditure of moneys, necessary
25 to be carried out by the County under the provisions of the Redevelopment Plan.

26 SECTION 9. The Clerk of the Board of Supervisors is hereby directed to send
27 a certified copy of this Ordinance to the City Agency and County Agency, whereupon the
28 City Agency and County Agency are vested with the responsibility for carrying out the

1 Redevelopment Plan. The County and County Agency are authorized to enter into a
2 cooperation agreement or other agreements with the City and the City Agency, which set
3 forth the terms of the joint implementation of the Redevelopment Plan and the
4 Redevelopment Project.

5 SECTION 10. The Clerk of the Board of Supervisors is hereby directed to
6 record with the Auditor/Controller-Recorder, as the Recorder of the County, a description
7 of the land within the Project Area and a statement that proceedings for the
8 redevelopment of the Project Area have been instituted under the Community
9 Redevelopment Law.

10 SECTION 11. The Building and Safety Division of the Land Use Services
11 Department of the County is hereby directed for a period of two (2) years after the
12 effective date of this Ordinance to advise all applicants for building permits within the
13 portion of the Project Area located within the County that the site for which a building
14 permit is sought for the construction of buildings or for other improvements is within a
15 redevelopment project area.

16 SECTION 12. The Clerk of the Board of Supervisors is hereby directed to
17 transmit a copy of the description and statement recorded by the Clerk pursuant to
18 Section 10 of this Ordinance, a copy of this Ordinance, and a map or plat indicating the
19 boundaries of the Project Area, to the Auditor/Controller-Recorder and Assessor of the
20 County, to the governing body of each of the taxing agencies which receives taxes from
21 property in the Project Area, and to the State Board of Equalization, within thirty (30) days
22 following the adoption of the Redevelopment Plan.

23 SECTION 13. The Clerk of the Board of Supervisors is hereby authorized and
24 directed to certify to the passage of this Ordinance and to cause the same to be
25 published in a newspaper of general circulation, which is published and circulated in the
26 County.

27 SECTION 14. If any part of this Ordinance or the Redevelopment Plan which it
28 approves is held to be invalid for any reason, such decision shall not effect the validity of

1 the remaining portion of this Ordinance or of the Redevelopment Plan, and this Board
2 hereby declares that it would have passed the remainder of the Ordinance or approved
3 the remainder of the Redevelopment Plan if such invalid portion thereof had been
4 deleted.

5 SECTION 15. This Ordinance shall be in full force and effect thirty (30) days
6 after adoption.

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9 _____
DENNIS HANSBERGER, Chairman
Board of Supervisors

10
11 SIGNED AND CERTIFIED THAT A COPY
12 OF THIS DOCUMENT HAS BEEN DELIVERED
13 TO THE CHAIRMAN OF THE BOARD

14 J. RENEE BASTIAN,
Clerk of the Board of Supervisors
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1 BOARD OF SUPERVISORS
2 COUNTY OF SAN BERNARDINO
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4 **SUMMARY OF PROPOSED ORDINANCE**

5 Notice is hereby given that at 10:00 a.m. on Tuesday, June 24, 2003, at its
6 regularly scheduled meeting, the San Bernardino County Board of Supervisors will
7 consider adoption of a proposed ordinance approving and adopting the Redevelopment
8 Plan for the Mission Boulevard Joint Redevelopment Project.

9 **Ordinance Summary**

10 The proposed ordinance approves and adopts the Redevelopment Plan for the
11 Mission Boulevard Joint Redevelopment Project. Adoption of the Redevelopment Plan
12 will allow for the redevelopment of the Mission Boulevard Joint Redevelopment Project
13 Area in conformity with the California Community Redevelopment Law.

14 A certified copy of the full text of this ordinance is posted for public review in the
15 Office of the Clerk of the Board of Supervisors at 385 North Arrowhead Avenue, 2nd
16 Floor, San Bernardino, California.

17 BOARD OF SUPERVISORS OF THE
18 COUNTY OF SAN BERNARDINO
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20 _____
21 DENNIS HANSBERGER, Chairman
22 Board of Supervisors

23 ATTEST:
24

25 _____
26 J. RENEE BASTIAN
27 Clerk of the Board of Supervisors
28

1 BOARD OF SUPERVISORS
2 COUNTY OF SAN BERNARDINO
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4 **SUMMARY OF ORDINANCE NO. _____**

5 Notice is hereby given that at 10:00 a.m. on Tuesday, July 8, 2003, at its regularly
6 scheduled meeting, the San Bernardino County Board of Supervisors adopted an
7 ordinance that approves and adopts the Redevelopment Plan for the Mission Boulevard
8 Joint Redevelopment Project.

9 **Ordinance Summary**

10 The ordinance approves and adopts the Redevelopment Plan for the Mission
11 Boulevard Joint Redevelopment Project. Adoption of the Redevelopment Plan allows for
12 the redevelopment of the Mission Boulevard Joint Redevelopment Project Area in
13 conformity with the California Community Redevelopment Law.

14 A certified copy of the full text of this ordinance is posted for public review in the
15 Office of the Clerk of the Board of Supervisors at 385 North Arrowhead Avenue, 2nd
16 Floor, San Bernardino, California.

17 Voting on the ordinance was as follows:

18 AYES: Supervisors:

19 NOES: Supervisors:

20 ABSENT: Supervisors:

21 BOARD OF SUPERVISORS OF THE
22 COUNTY OF SAN BERNARDINO
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24 _____
DENNIS HANSBERGER, Chairman
25 Board of Supervisors
26

27 ATTEST:
28

J. RENEE BASTIAN,
Clerk of the Board of Supervisors